

**Supporting Statement for Paperwork Reduction Act Submissions
for Authority to Implement a Conservation Order
to Control Mid-Continent Light Geese
Contained in the Regulations at 50 CFR § 21.60**

The following information is provided as part of a request to the Office of Management and Budget (OMB) to approve information collections pursuant to regulations that implement the Migratory Bird Treaty Act (MBTA). These information collection requirements are contained in regulations at 50 CFR 21.60 that allow the U.S. Fish and Wildlife Service (Service) to establish a conservation order to control Mid-continent light geese (MCLG). State wildlife management agencies responsible for migratory bird management (States) are authorized to establish a program to control MCLG within the conditions provided by the Service. The subpart provides a biologically sound and more cost-effective and efficient method for the control of overabundant migratory bird populations that pose a threat to migratory birds and to habitat essential to migratory bird- populations.

A. Justification

1. Regulations allowing the take of migratory birds are authorized by the Migratory Bird Treaty Act (16 U.S.C. 703 -712), which implements the four bilateral migratory bird treaties the United States entered into with Canada, Mexico, Japan, and Russia. Section 3 of the Act authorizes and directs the Secretary of the Interior to allow hunting, taking, etc. of migratory birds subject to the provisions of, and in order to carry out the purposes of, the four migratory bird treaties. Section VII of the U.S.- Canada Migratory Bird Treaty authorizes the taking of migratory birds that, under extraordinary conditions, become seriously injurious to agricultural or other interests.

A depredation permit (50 CFR 21.41) or a depredation order (50 CFR 21.42) may be issued when it is determined that migratory birds have become injurious to agricultural or other interests within the United States and are subsequently taken for purposes of depredation control. MCLG are destroying arctic and sub-arctic breeding habitats in Canada essential to their own survival and to other migratory bird populations. This proposal would authorize the States to control MCLG within the United States through the use of alternative regulatory strategies within the conditions provided by the Service in a conservation order. These regulations appear in 50 CFR 21.60., Control of Overabundant Migratory Bird Populations.

North American light geese are comprised of lesser snow geese (*Anser caerulescens caerulescens*), greater snow geese (*A.c. atlantica*), and Ross' geese (*A. rossii*). Collectively, these species and subspecies are referred to as "light" geese due to their light coloration as opposed to "dark" geese such as Canada and white-fronted geese. All are currently increasing in numbers, with the exception of a population of lesser snow geese that breed on Wrangel Island in Russia and winter in California, Washington, and British Columbia. Central and eastern arctic nesting light geese are comprised of three populations: Mid-continent and Western Central Flyway lesser snow geese and Ross' geese. Ross' geese are commonly mistaken for lesser snow geese. Ross' geese generally have a smaller body size, shorter neck, smaller head, faster wing-

beat, and a higher-pitched call. All populations breed throughout the central and eastern arctic and sub-arctic regions of Northern Canada and are collectively referred to as Mid-continent light geese (MCLG).

The populations of MCLG have increased exponentially over the last thirty years primarily due to the expansion of agriculture in prairie Canada and the Midwestern United States. These rapidly increasing populations have placed an unprecedented amount of pressure on the arctic and sub-arctic breeding habitats. Large expanding concentrations of MCLG, coupled with a short tundra growing season and hyper-saline soils, have resulted in severe habitat degradation along west Hudson and James Bays, southern portions of Baffin and Southampton Islands, and in the Queen Maude Gulf regions of Northern Canada. Negative impacts to other migratory bird populations have been documented both on the breeding grounds and along the migration routes. MCLG populations must be reduced soon to avoid the loss of an ecosystem essential to migratory bird populations. To date, the Service has attempted to curb the growth rate of MCLG populations by liberalizing bag limits and increasing the light goose season to 107 days, the maximum allowed by the Migratory Bird Treaty Act, as amended. Although harvest number increased, harvest rate has declined and the populations continue to grow exponentially. Clearly, current wildlife management strategies are not working. Therefore, the Service is proposing an alternative regulatory strategy to effectively and efficiently reduce MCLG populations and to preclude the use of more drastic, direct control measures.

Currently, MCLG may only be harvested through a sanctioned hunt between 1 September and 10 March as prescribed by the Migratory Bird Treaty with Canada. Harvest of MCLG occurs primarily in the United States. The use of management actions on the Canadian breeding grounds is cost-prohibitive, dangerous, is out of Service jurisdiction, and is typically ineffective. Therefore, the Service in 1998 significantly increased the take of MCLG in the United States, thereby increasing mortality and reducing the populations. The Service added a subpart to 50 CFR part 21 for overabundant migratory bird population management. Under this new subpart, the Service established a conservation order to control MCLG, authorizing States to implement alternative regulatory strategies on MCLG outside of the Treaty frameworks. The States then designed and conducted a reduction program under the authority of the conservation order within the conditions provided by the Service. In addition, we are now adding all Atlantic Flyway states to the conservation order to control greater snow geese (GSG). Similar to MCLG populations, GSG populations have increased exponentially, causing many of the same negative impacts previously outlined.

This regulation has resulted in an efficient and effective reduction in MCLG and GSG populations and facilitated protection and recovery efforts of arctic and sub-arctic breeding habitat important to numerous wildlife species. This regulation has further resulted in biologically sound and more cost effective and efficient overabundant migratory bird population management and precluded the use of more drastic, direct population-reduction measures such as trapping and culling programs.

The appropriate sections of the MBTA and the regulations mandating or authorizing the collection of information are attached.

2. This collection of information that is required of participating State agencies under the conservation order to control MCLG and GSG populations will be used by the Service to administer this program and, particularly, in the monitoring of the effectiveness of control strategies. The information requested will be required to participate under the authority of the conservation order, to determine if the respondents meet the criteria to participate, and to protect migratory birds. The purpose for each information request follows:

Participant Criteria:

A statement that indicates that the State will inform and brief all participants of the requirements of these regulations and conservation order conditions that apply to the implementation of MCLG and GSG control measures.

The Service considers this a reasonable and prudent measure that will help ensure that all individuals who will participate in the control activity are informed and aware of the conservation order conditions.

Inspection Requirements:

Any participant authorized to carry out control measures under a conservation order granted under this section shall retain in their possession a copy of the appropriate documentation of such designation while carrying out any activity under the conservation order.

The Service believes that this record-keeping requirement is necessary to ensure those individuals carrying out control activities are authorized to conduct such activities.

Reporting Requirements:

Any participant exercising the privileges granted by this section shall keep records of activities carried out under the authority of this conservation order, including the number of MCLG and GSG harvested pursuant to this section, the method by which they were harvested, and the date on which they were harvested. The State must submit an annual report summarizing activities conducted under this section, including the date, numbers of birds taken, and methods of take on or before 1 August of each year.

The activities including the number of birds taken, the date, and the methods by which they were taken are necessary to determine compliance with the conservation order. Additionally, this information is used in monitoring the amount of take and evaluating the effectiveness of the overall program in order to better manage this resource.

3. States will be able to submit the information collected electronically to the following e-mail address: John_Kreilich@fws.gov. Allowing the States to submit their reports electronically reduces administrative burden to the States and to the Federal government.

4. No duplicate information is collected elsewhere in the Service that could be utilized to decide whether a State would like to participate under the authority of the conservation order. No other Federal agency collects information of this kind.
5. Since the conservation order is only available to State wildlife agencies, no small businesses or other small entities will be affected by the information collection requirements.
6. The consequences of not collecting the information required by the conservation order is that the participant would not be allowed to conduct management actions granted by the conservation order since the collected information is either required in order to participate or needed in order for the Service to fulfill its obligations under the MBTA.
7. Respondents have to submit one report annually and have more than 30 days to submit the report upon receipt of the information. Respondents are required to submit one original and one copy of the report. Respondents are not required to retain the information for more than three years. This information collection is not conducted in connection with a statistical survey and does not require respondents to pledge confidentiality.
8. A 60 day notice was published and no comments were received, October 9, 2001, page number 51443.
9. There is no provision in the MBTA to provide any gift or payment to respondents.
10. The information collected is not subject to the requirements of the Privacy Act and any records provided to the Service are available under the Freedom of Information Act.
11. None of the information collected is of a sensitive nature.
12. The Service expects a maximum of 24 State wildlife agencies will participate under the authority of the conservation order each year it is available requiring an average of 24 hours to collect the information from participants. Therefore, the burden assumed by the State participants would be 576 hours or less. The annual hour burden cost to States is estimated to be \$8,640 (576 burden hours multiplied by \$ 15.00/ hour average wage).

The Service expects a maximum of 24 annual reports per year from all participating States. The Service estimates that each annual report will require about 6 hours to complete, therefore, the burden assumed by the participants is 144 hours or less. The annual hour burden cost to applicants is estimated to be \$2,160. These estimates are based on current experience with the monitoring reports and current costs for time, printing, analysis of information and any follow-up correspondence.

The total burden hours for fulfilling the information collection requirements are 720 hours.

Burden estimates for reporting requirements for the Conservation Order to reduce Mid-continent and Greater snow goose populations

Type of Report	Number of Reports Annually	Avg. Time Required Per Report (minutes)	Burden Hours
General Take or Removal*	24	360	720

* General take or removal includes authorized human-related mortality.

13. There is no non-hour cost anticipated.

14. It is not anticipated that there will be an annualized cost to the Federal government.

15. This is a renewal of the information collection requirement. We are adding the Atlantic Flyway states, due to the overpopulation of greater snow geese in this flyway. This has resulted in a 210 hour increase in burden as a program change.

16. There are no plans for publication of the results of this information collection.

17. The Service is not seeking approval to not display the expiration date for OMB approval.

18. There are no exceptions to the certification statement contained in Item 17 of OMB *Form 83- I* for the information being collected.

B. Collections of Information Employing Statistical Methods.

No statistical methods are used.